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FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. APPLICATION NO. Jurgen Filsinger 09/980,976 03/05/2002 10537/180 3650 **EXAMINER** 26646 7590 02/24/2004 KENYON & KENYON STAICOVICI, STEFAN ONE BROADWAY PAPER NUMBER NEW YORK, NY 10004 1732

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.		Applicant(s)	V
		09/980,976	09/980,976 FILSINGER ET AL.		
	Office Action Summary	Examiner		Art Unit	
		Stefan Staicovici		1732	
Period fo	The MAILING DATE of this communication ap or Reply	opears on the cover s	sheet with the co	rrespondence addre	ss
A SH THE I - Exter - If the - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REP MAILING DATE OF THIS COMMUNICATION nsions of time may be available under the provisions of 37 CFR 1 SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a re o period for reply is specified above, the maximum statutory perior re to reply within the set or extended period for reply will, by statu- reply received by the Office later than three months after the mail- red patent term adjustment. See 37 CFR 1.704(b).		er, may a reply be time num of thirty (30) days v X (6) MONTHS from the decome ABANDONED	ly filed will be considered timely. e mailing date of this comm (35 U.S.C. § 133).	unication.
Status					
1)⊠ 2a) <u></u> 3)	Since this application is in condition for allow	is action is non-final ance except for form	nal matters, pros		erits is
	closed in accordance with the practice under	Ex parte Quayle, 18	35 C.D. 11, 453	O.G. 213.	
Dispositi	on of Claims				
5) <u>□</u> 6)⊠	Claim(s) <u>1 and 2</u> is/are pending in the applicated 4a) Of the above claim(s) is/are withdruckim(s) is/are allowed. Claim(s) <u>1 and 2</u> is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and	awn from considerat			
Applicati	ion Papers				
10)⊠	The specification is objected to by the Examir The drawing(s) filed on <u>05 March 2002</u> is/are Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the I	: a) ☐ accepted or be the drawing(s) be held in the ection is required if the	n abeyance. See drawing(s) is obje	37 CFR 1.85(a). cted to. See 37 CFR	
Priority (under 35 U.S.C. § 119	•			
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
2) Notice 3) Information	nt(s) ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/0 er No(s)/Mail Date 11/8/01.	5) <u>F</u>	nterview Summary (Paper No(s)/Mail Dat Notice of Informal Pa Other:		52)

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DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it is too long. The abstract should be within the range of 50 to 150 words Correction is required. See MPEP § 608.01(b).

Drawings

2. The drawings are objected to because the pointers to reference numbers 8, 10, 25 in Figure 1 are not clear. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hooper (US Patent No. 5,576,030).

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Regarding claim 1, Hooper ('030) teaches the claimed process for making a fiber reinforced plastic composite including, providing a molding tool (12), arranging a fiber composite preform (20) onto said mold tool (12), arranging a resin distribution medium (24) (flow promoting device) onto said fiber composite preform (20), creating a first space by a gas permeable and resin impermeable layer (32), creating a second space by a gas and resin impermeable layer (37), sealing said gas and resin impermeable layer (37) to said mold tool (12), drawing a vacuum onto said second space and injecting a resin into said first space such that said resin is distributed uniformly by said resin distribution medium (24) and impregnating said fiber composite preform (20) in a vertical pattern (see col. 4, line 43 through col. 5, line 57).

In regard to claim 2, Hooper ('030) teaches the claimed apparatus for making a fiber reinforced plastic composite including, providing a molding tool (12) configured to arrange a fiber composite preform (20), a resin distribution medium (24) (flow promoting device), a gas permeable and resin impermeable layer (32) that forms a first space with said mold tool (12), a gas and resin impermeable layer (37) that forms a second space with said adjacent, gas permeable and resin impermeable layer (32), a vacuum source and a resin source such that upon drawing a vacuum onto said second space and injecting a resin into said first space said resin is distributed uniformly by said resin distribution medium (24) and impregnating said fiber composite preform (20) in a vertical pattern (see col. 4, line 43 through col. 5, line 57).

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Waldrop, III et al. (Pub. No. US 2002/0022422 A1).

Regarding claim 1, Waldrop, III et al. (Pub. No. US 2002/0022422 A1) teach the claimed process for making a fiber reinforced plastic composite including, providing a molding tool (50),

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arranging a fiber composite preform (51) onto said mold tool (50), arranging a resin distribution medium (60) (flow promoting device) onto said fiber composite preform (51), creating a first space by a gas permeable and resin impermeable layer (62), creating a second space by a gas and resin impermeable layer (64) with said adjacent, gas permeable and resin impermeable layer (62), sealing said gas and resin impermeable layer (64) to said mold tool (51), drawing a vacuum onto said second space and injecting a resin into said first space such that said resin is distributed uniformly by said resin distribution medium (60) and impregnating said fiber composite preform (51) in a vertical pattern (see paragraphs [0124]-[0125], [0133], [0143] and Figure 2).

In regard to claim 2, Hooper ('030) teaches the claimed apparatus for making a fiber reinforced plastic composite including, providing a molding tool (50) configured to arrange a fiber composite preform (51), a distribution medium (60), a gas permeable and resin impermeable layer (62) that forms a first space with said mold tool (51), a gas and resin impermeable layer (64) that forms a second space with said adjacent, gas permeable and resin impermeable layer (62), a vacuum source and a resin source such that upon drawing a vacuum onto said second space and injecting a resin into said first space said resin is distributed uniformly by said resin distribution medium (60) and impregnating said fiber composite preform (51) in a vertical pattern (see paragraphs [0124]-[0125], [0133], [0143] and Figure 2).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Staicovici, Ph.D. whose telephone number is (571) 272-1208. The examiner can normally be reached on Monday-Friday 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Michael P. Colaianni, can be reached on (571) 272-1196. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stefan Staicovici, PhD

Primary Examiner